

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROBERT EARL MCCLEES, SR.,

Appellant,

v.

EDEN EQUITIES, LLC,

Appellee.

Civil Action No. 23-3634 (RK)

MEMORANDUM ORDER

THIS MATTER comes before the Court upon a notice of appeal from the Bankruptcy Court on July 6, 2023 filed by Appellant Robert Earl McClees, Sr. (ECF No. 1.) Appellant appeals from the Bankruptcy Court’s June 21, 2023 “Order Denying Motion To Vacate Dismissal of Case.” (*Id.*; Bkr. Case No. 22-18444, ECF Nos. 51, 52.)¹ Appellant did not file a designation of record within fourteen days as required by Federal Rule of Bankruptcy Procedure 8009.

On August 2, 2023, the Deputy Clerk of the United States Bankruptcy Court for the District of New Jersey filed a “Certification of Failure to File Designation of Record.” (ECF No. 5; Bkr. Case No. 22-18444, ECF No. 63.) The Certification states that “the appellant has failed to file such designation [of items to be included in the record on appeal and a statement of issues to be presented] or to request an extension of time within which to file same.” (*Id.*) No action appears

¹ This appeal (Civil Case No. 23-3634) as well as another appeal pending before the Undersigned (Civil Case No. 23-3380) both stem from challenges to the Bankruptcy Court’s April 28, 2023 Order Denying Motion to Vacate Dismissal of Case. (Bkr. Case No. 22-18444, ECF No. 42.) After the Bankruptcy Court issued that decision, Appellant simultaneously filed an appeal of that decision, (Bkr. Case No. 22-18444, ECF No. 49), as well as a Motion for Reconsideration before the Bankruptcy Court, (Bkr. Case No. 22-18444, ECF No. 45). After the Bankruptcy Court denied Appellant’s Motion for Reconsideration, Appellant appealed that decision as well.

to have been taken by Appellant since then to remedy this failure by filing a Designation of Record on Appeal and his moving brief. Therefore,

IT IS on this 4th day of March, 2024,

ORDERED that Appellant must show cause in writing by March 19, 2024, why this appeal should not be dismissed for failure to file a designation of record and statement of the issues to be presented in accordance with Rule 8009 or to otherwise prosecute this appeal; and it is further

ORDERED that the Clerk of the Court is directed to mail a copy of this order to Appellant's address on record.



ROBERT KIRSCH
UNITED STATES DISTRICT JUDGE